

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

UNITED STATES OF AMERICA)	CRIMINAL NO. 3:04-353 (CMC)
)	
v.)	OPINION and ORDER
)	
Kenneth Roshaun Reid,)	
)	
Defendant.)	
_____)	

This matter is before the court pursuant to Defendant's *pro se* motion for "Reduction of Sentence Pursuant to 3582(c)(2) Under New Crack Cocaine Law." Mot. at 1 (ECF No. 553, filed Aug. 8, 2011). The Government has not responded to Defendant's motion.

Defendant's motion is, in reality a second or successive motion for relief under § 2255, as he challenges his conviction and sentence on a variety of grounds unrelated to any relief available under Amendment 750 to the United States Sentencing Guidelines. Defendant's failure to seek permission to file a second or successive motion in the appropriate court of appeals prior to the filing of the motion in the district court is fatal to the outcome of any action on the motion in this court. Prior to filing a second or successive motion under § 2255, Defendant must obtain certification by a panel of the Fourth Circuit Court of Appeals allowing him to file a second or successive motion. As provided in 28 U.S.C. § 2244, "[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." 28 U.S.C. § 2244(b)(3)(A). This he has not done.

Defendant's motion is dismissed without prejudice as this court is without jurisdiction to consider it.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
September 15, 2011